

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

G.T. by his Parents Michelle and Jamie T.,
 K.M. by his Parents Danielle and Steven M.,
*on behalf of themselves and all similarly
 situated individuals*, and THE ARC OF
 WEST VIRGINIA,

Civil Action No. 2:20-cv-00057

Plaintiffs,

Judge Irene C. Berger

v.

THE BOARD OF EDUCATION OF THE
 COUNTY OF KANAWHA,

Defendant.

**EXHIBIT INDEX TO MEMORANDUM IN SUPPORT OF
 PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Exhibit No.	Description
Exhibit 1.	Declaration of Dr. Steven Raphael, Ph.D.
Exhibit 2.	Declaration of Dr. Judy Elliott, Ph.D.
Exhibit 3.	Declaration of Dr. Sara Boyd, Ph.D.
Exhibit 4.	Declaration of Michelle T.
Exhibit 5.	Declaration of Danielle M.
Exhibit 6.	Declaration of Kristina E.
Exhibit 7.	Declaration of Rajahnea P.
Exhibit 8.	Declaration of Jennifer M.
Exhibit 9.	Declaration of Diana B.
Exhibit 10.	Declaration of Christina Smith, former Executive Director of the Arc of West Virginia
Exhibit 11.	Declaration of Elizabeth Ford, Executive Director of the Arc of West Virginia
Exhibit 12.	504 Student Spreadsheet, September 30, 2020 [Under Seal]
Exhibit 13.	Zoom WV: Kanawha District Profile, West Virginia Department of Education (WVDOE)

Exhibit 14.	KCBOE 000001, “Pt 1 & Pt 2 KCBOE #000001 SPREADSHEET 3-29-2021-2 with highlights” ” (Mar. 29, 2021) [Under Seal]
Exhibit 15.	KCBOE 001644-2205 [Under Seal]
Exhibit 16.	West Virginia Child Count Data by District and School Year” (Feb. 23, 2021)
Exhibit 17.	Civil Rights Data Collection, “Kanawha County Schools: Instances of Corporal Punishment and Suspensions,” and “Kanawha County Schools: LEA Summary of Selected Facts,” U.S. Department of Education Office of Civil Rights
Exhibit 18.	D.J. Losen, et al., <i>Disabling Inequity: The Urgent Need for Race-Conscious Resource Remedies</i> (2021), p. 28 & Table 2
Exhibit 19.	Lena V. Groeger et al., “Miseducation: All Schools in Kanawha County School District,” ProPublica (Oct. 16, 2018)
Exhibit 20.	Susan Beck, “Memorandum: Changes in the Regulation of Significant Disproportionality Calculations” West Virginia Department of Education Office of Special Education and Student Support (Oct. 23, 2019)
Exhibit 21.	KCSKP0022143: January 6, 2020 Email re: Student Behavior [Under Seal]
Exhibit 22.	KCSKP0034456: January 27, 2020 Email re: Student Behavior [Under Seal]
Exhibit 23.	Email from Rick Boothby, “Re: Special Education student headcount for KCS” (March 1, 2021)
Exhibit 24.	Ryan Quinn, “Study: Black Students Disproportionately Punished in WV Schools,” Charleston Gazette-Mail (Aug. 25, 2015)
Exhibit 25.	Ryan Quinn, “State Education Officials Pledge to Reduce Discipline Disparity Between Black, White Students,” Herald-Dispatch (Feb. 22, 2021)
Exhibit 26.	U.S. Dep’t of Educ., Dear Colleague Letter on the Inclusion of Behavioral Supports in Individualized Education Programs 4 (IEPs) (Aug. 1, 2016).
Exhibit 27.	Excerpted Due Process Hearing Transcript for Matter D19-018 G.T., August 19, 2019
Exhibit 28.	Excerpted Due Process Hearing Transcript for Matter D19-20 K.M., October 28, 2019
Exhibit 29.	Decision for Due Process Matter D19-20 K.M., February 10, 2020
Exhibit 30.	Excerpted Deposition Transcript of Dr. Kate Porter, December 4, 2020
Exhibit 31.	Excerpted Deposition Transcript of Zachary Hanshaw, March 31, 2021
Exhibit 32.	Excerpted Deposition Transcript of Holly Samples, April 1, 2021

Exhibit 33.	Declaration of Plaintiffs' Counsel Lydia C. Milnes, Mountain State Justice, Inc.
Exhibit 34.	Declaration of Plaintiffs' Counsel Lori Waller, Disability Rights West Virginia
Exhibit 35.	Declaration of Plaintiffs' Counsel Ira A. Burnim, Judge David L. Bazelon Center for Mental Health Law
Exhibit 36.	Declaration of Plaintiffs' Counsel Shira Wakschlag, The Arc of the United States
Exhibit 37.	Declaration of Plaintiffs' Counsel Robin Hulshizer, Latham & Watkins LLP
Exhibit 38.	Declaration of Plaintiffs' Counsel J. Zucker, Latham & Watkins LLP with Exhibits A-H
Exhibit 38-A.	KCBOE 000001 Spreadsheet [Under Seal]
Exhibit 38-B.	September 21, 2020 Email from R. Boothby to J. Zucker
Exhibit 38-C.	September 23, 2020 Email from R. Boothby to J. Zucker
Exhibit 38-D.	KCBOE 000001 Spreadsheet (Revised) [Under Seal]
Exhibit 38-E.	March 8, 2021 Email from R. Boothby to J. Zucker
Exhibit 38-F.	March 12, 2021 Email from R. Boothby to J. Zucker
Exhibit 38-G.	April 8-9, 2021 Email from R. Boothby to J. Zucker
Exhibit 38-H.	February 22, 2021 Email from R. Boothby to J. Zucker